

CITY OF ALAMO HEIGHTS
CITY COUNCIL
March 23, 2009

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, March 23, 2009.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro-Tempore Jill Souter
Councilman Stan McCormick
Councilman Bobby Rosenthal
Councilman Bill Kiel
Councilwoman Susan Harwell

Also attending were:

City Manager Rebecca Waldman
City Attorney Mike Brennan
Assistant City Manager/Public Works Director Shawn P. Eddy
Assistant to City Manager/Information Technology Manager Marian Ramirez
Finance Director Cynthia Barr
Community Development Director Ann McGlone
Human Resource Manager/Deputy City Secretary Judith E. Surratt
City Secretary Jennifer Reyna
Fire Chief Bill Hagendorf
Police Chief Rick Pruitt

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Mayor Louis Cooper opened the meeting at 5:35 p.m.

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Mayor Cooper announced that Item # 7 was postponed for future consideration.

Item # 7 **An Ordinance authorizing a 30% collection fee for delinquent utility bills and Fire/EMS billing.**

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Mayor Cooper asked City Council for any corrections to the minutes of the February 23, 2009, City Council Meeting. A motion was made by Councilman Stan McCormick to approve the minutes of February 23, 2009 as amended. The motion was seconded by Councilman Bill Kiel and passed by unanimous vote.

Mayor Cooper then asked City Council for any corrections to the minutes of the March 16, 2009 Special Meeting/Work Session. A motion was made by Councilman Bobby Rosenthal to approve the minutes of March 16, 2009 as amended. The motion was seconded by Councilman McCormick and passed by unanimous vote.

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Councilwoman Susan Harwell inquired about the retention schedule for the auditory tapings of the City Council meetings. Assistant to City Manager Marian Ramirez stated that there is a retention period of 90 days for tape recordings because printed minutes are the permanent record. Currently, there is a compilation of three years of audio tapings. Councilwoman Harwell expressed concern about retention of tapes for historical purposes. Councilman Kiel recommended that prior to destroying the audio tapings, the item be presented to the Governance Committee to determine the duration of retention.

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Citizens To Be Heard Concerning Non-Agenda Items

Margaret Houston, 140 Patterson Avenue, complimented the Police and Fire Departments for the coordination of Officer Angel Acuna's funeral services.

Laura Theurer, 139 Wildrose Avenue, expressed concern about donations solicited for the 2008 Employee Recognition and Holiday Banquet for the City of Alamo Heights and inquired how the sales tax on door prizes was handled.

Sarah Reveley, 436 Corona Avenue, stated that she had researched the donation of sick leave policies in other cities and suggested that the City Council consider implementing such a plan. Ms. Reveley also recommended "Councilmembers to be Heard" to allow Councilmembers to respond to citizen questions.

May O'Neal, 434 Abiso Avenue, suggested that Solid Waste employees park near the Basura Bash event to assist in trash pickup and that the City of Alamo Heights develop a policy on the donation of sick leave.

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Item # 3 City Manager's Report

a. Update on Comprehensive Plan

Community Development Director Ann McGlone presented a schedule to the City Council. It included work sessions, neighborhood meetings, and public hearings. The Comprehensive Plan is scheduled for public hearings at the Planning and Zoning Commission on May 4th and City Council on May 11th and for action by the Planning and Zoning on May 18th and City Council on May 26, 2009.

Mayor Pro Tem Souter asked how residents will be notified to attend the neighborhood meetings. Ms. McGlone stated postcards will be mailed to residents for the upcoming neighborhood meetings, a banner displayed on Broadway Street, information in the City of Alamo Heights newsletter and email blasts.

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Mayor Cooper announced that the public hearing would be conducted and then the City Council would return to consent items.

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Public Hearing – Time Certain 6:00 p.m.

Item # 8 Presentation by Lake/Flato Architects and public hearing regarding proposed facility site utilization schemes

Assistant City Manager/Public Works Director Shawn P. Eddy introduced the members of the Citizens Advisory Group (CAG), the representatives of Lake/Flato Architects, and Project Control, Inc. CAG members Blackie Bolduc, Ruth Chislett, Bill Shown, Troy Jessee, and Alan Honigblum were present. Ted Flato, Bob Harris and Brantley Hightower represented Lake/Flato Architects. Project Managers Dick McNary and Laura Anthony, Project Control, Inc. were also present.

Bob Harris, Architect, Lake/Flato presented three proposed facility site utilization schemes for the construction of the new City Hall, Council Chambers, and the Fire and Police Stations. One scenario did not utilize any of the residential properties on Henderson Street and the other two did in order to facilitate adequate facility parking.

The following citizens spoke on this matter:

Vernon Helmke, 209 Henderson Street, shared his experience with the City of Alamo Heights and questioned the need for additional parking. He expressed concern that parking belongs on Broadway Street and opposed the demolition of the houses on Henderson Street.

Ruth Medellin, 112 Redwood Street, opposed the demolition of the two houses on Henderson Street.

James L. Satel, 106 Henderson Street, suggested that city commercial vehicles park at another site and stated that he did not support the demolition of the Henderson houses.

Kathy Engel, 209 Albany Street, questioned the number of parking spaces provided on the site utilization schemes.

Naomi Russell, property owner, 223 Henderson Street, questioned the City's communication process and strategy. She recalled a time when the City said they would not use the Henderson properties for expansion.

Councilman Kiel stated that architects were told of the sentiments of the Henderson residents and history of the property. He also stated that this public hearing is to collaborate with citizens. Councilman Kiel provided a summary of the public workshop that was conducted on Monday, March 16, 2009.

Margaret Houston, 140 Patterson Avenue, expressed thanks to the CAG members and architects for proposing the facility site schemes. Ms. Houston encouraged everyone to trust each other, accept change, and move forward. Ms. Houston stated it would be ideal to keep the 100,000 gallon "tin man" water tower in the design.

Dan Bletcher, 102 Redwood Street, inquired about the amount of lost tax revenue from the two houses. Councilman Kiel responded that it is a total of \$2,600 annually for both houses for the city's portion of taxes. He also asked if solid waste management is being provided in the most efficient manner and if an analysis considering the relocation of the operation to a different location had been done.

Bill Shown, 832 Cambridge Oval, Citizens Advisory Group (CAG) member, briefly shared his background in real estate. Mr. Shown stated that he was proud to serve as a committee member and be part of this process. He stated that change is not always easy to accept but hoped the project could be a win-win situation for all parties.

Alan Honigblum, 331 Castano Avenue, CAG member, shared his experience as an inner-city developer. He apologized to the citizens Henderson residents for how the process had been handled in the past. He encouraged citizens to be open-minded. Mr. Honigblum reiterated that the current site is not efficient.

Sarah Reveley, 436 Corona Avenue, stated that parking is not an issue or problem. She acknowledged that change is needed.

Troy Jessee, 141 Bluebonnet Boulevard, CAG member, commented that the City Council is addressing citizenry related to this project. Mr. Jessee complimented Lake/Flato Architects in providing alternatives to the parking circumstances. He mentioned the importance of keeping the water tower.

Laura Theurer, 139 Wildrose Avenue, commented that having a parking lot may have advantages and shared her experience with the Christian Science Church parking lot.

Bob Harris, Architect, Lake/Flato Architects, acknowledged residents' concern for the proposed sites. Mr. Harris apologized for not clarifying the proposed demolitions in his presentation and emphasized that Lake/Flato Architects respects the quality of the neighborhood, in relation to parking. Mr. Harris stated that in the proposed plans no on-street parking is proposed to be on Henderson Street.

Mayor Cooper suggested that Lake/Flato Architects meet with the residents of the community. Mayor Cooper expressed his appreciation to the community for coming out to speak.

Mayor Pro Tem Souter informed Bob Harris that in various counties in the State of Texas, similar "tin man" water towers are registered as historic landmarks. She encouraged Lake/Flato Architects to keep the 100,000 gallon "tin man" water tower in the design of the city facilities sites for multi-purpose use. She stated that the tin man tower is as old as the city and it serves as one of the four icons of the City of Alamo Heights.

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At 7:53 p.m., Mayor Cooper adjourned the public hearing and called for a short break. Mayor Cooper reconvened that regular meeting at 7:59 p.m.

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Consent Items

Mayor Pro Tem Souter made a motion to pull Item # 4 before consideration of the other consent items. The motion was seconded by Councilwoman Harwell but a vote was not conducted and a discussion of Item # 4 resulted.

Item # 4 Mayor Cooper read the following caption.

ORDINANCE NO. 1814

AN ORDINANCE FINDING THAT THE CITY OF ALAMO HEIGHTS WILL PROVIDE DRAINAGE FOR ALL REAL PROPERTY WITHIN THE CITY ON NONDISCRIMINATORY, REASONABLE, AND EQUITABLE TERMS AND ESTABLISH A SCHEDULE OF DRAINAGE CHARGES AGAINST ALL REAL PROPERTY WITHIN THE CITY, UNLESS EXEMPTED, PURSUANT TO CHAPTER 402, SUBCHAPTER C OF THE TEXAS LOCAL GOVERNMENT CODE

Mayor Pro Tem Souter requested clarification on the enabling ordinance. Assistant City Manager/Public Works Director Shawn P. Eddy reminded the City Council that there is no proposed monthly fee only a stormwater development fee is being considered. There is a scheduled public hearing for Monday, April 13th for imposing the stormwater development fee. Mr. Eddy stated that tonight's action approved the finding of the ordinance, the creation of a public utility.

Item # 5 **Request for permission to refund duplicate or erroneous property tax payments to Wells Fargo Real Estate Tax Services, LLC, in the amounts listed.**

136 Inslee	\$ 827.98
120 Tuxedo	\$1,969.41
135 E. Oakview	<u>\$1,299.55</u>
Total	\$4,096.94

Item # 6

ORDINANCE NO. 1815

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE MAY 9, 2009 GENERAL ELECTION ELECTED TO OFFICE; CANCELING THE ELECTION; AND PROVIDING AN EFFECTIVE DATE

After a brief discussion, a motion for approval was made by Councilman Rosenthal to approve Consent Item #'s 4 – 6. The motion was seconded by Councilwoman Harwell and passed by unanimous vote.

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Items for Individual Consideration

Item # 9 Mayor Cooper read the following caption.

ORDINANCE NO. 1816

AN ORDINANCE APPROVING AN APPOINTMENT OF MARY BARTLETT TO THE CITY'S BOARD OF ADJUSTMENT

Community Development Director Ann McGlone reminded City Council of the process and procedures for Commission and Board Selections and Appointments. Ms. McGlone advised City Council that the Advisory Group and the Mayor recommended approval of Mary Bartlett to fill an unexpired term to the City's Board of Adjustment (BOA).

A motion for approval was made by Councilman McCormick. The motion was seconded by Councilwoman Harwell and passed by unanimous vote.

Mayor Pro Tem Jill Souter stated that her husband and Ms. Bartlett are both employed with Marmon Mok Architects. City Attorney Mike Brennan did advise Mayor Pro Tem Souter that a recusal was not necessary because there was no financial interest related to Ms. Bartlett serving on a board or commission.

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Item # 10 Mayor Cooper read the following caption.

A request for a Demolition Permit for 301 Alta Avenue by David Horne, owner, to demolish an existing one-story residence and detached garage for the purpose of constructing a new two-story residence and a detached one-story two-car garage on a property zoned Single Family – B

Community Development Director Ann McGlone made a PowerPoint presentation that included photos, an existing site plan and a proposed site plan. Ms. McGlone advised City Council that staff recommended City Council declare a 90-day Demolition Delay.

Ann McGlone stated that this demolition permit did not require any variances. Prior to the council meeting, five comments were received from the public. A distribution of the comments received that day was made to the City Council.

Mayor Cooper recognized those who wished to speak on this item.

LeeAnn Everett, 324 Alta Avenue, spoke in opposition of the demolition.

Sarah Reveley, 436 Corona Avenue, stated that the home captures the essence of Alamo Heights and she spoke in opposition to the demolition.

Paul Bousquet, 644 Alamo Heights Boulevard, voiced his favorable opinion of the home and stated his opposition to the demolition.

David Horne, owner, 301 Alta Avenue, informed the City Council that he had encountered problems in remodeling the home. He stated that his intent was to be consistent with the neighborhood. Mr. Horne had met with a few of the neighbors to let them know about his plans.

John J. Speegle, project architect, stated that the proposed design does fit into the character of the neighborhood and that all the design requirements had been met.

Councilwoman Harwell asked about the comments from the Neighborhood Character and Commercial Revitalization Committee meeting. Mayor Pro Tem Souter stated that there was concern in regards to the compatibility of the neighborhood and the small lot.

Councilmember Rosenthal asked the architect, Mr. Speegle, to take the extra time to make an adjustment. Councilman McCormick agreed and encouraged Mr. Horne and Mr. Speegle to coordinate accordingly with City staff.

A motion for approval was made by Mayor Pro Tem Souter to declare a 90-day demolition delay. The motion was seconded by Councilman Bill Kiel and passed by unanimous vote.

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Staff Reports

Item # 11 Mayor Cooper read the following caption.

Presentation of Comprehensive Annual Financial Report for the fiscal year ended September 30, 2008 by Janet Pitman with Thompson, Williams, Biediger, Kastor & Young, L.C.

Finance Director Cynthia Barr introduced Janet Pitman and Mike Del Toro, CPAs and Audit Partners of Thompson, Williams, Biediger, Kastor & Young, L.C. Mr. Del Toro made a PowerPoint presentation.

Mike Del Toro stated that the audit is unqualified. There are no qualifying statements in the opinion letter. This is the best opinion an independent auditor can provide.

Mr. Del Toro also briefly mentioned Texas Municipal System (TMRS) funding. Councilman Kiel stated that due to mandated changes from the State of Texas, the unfunded liability has increased and will be addressed in the upcoming budget.

Mayor Pro Tem Souter commented that the City of Alamo Heights follows Best Practices, written as guidance for local government practitioners by the Government Finance Officers Association (GFOA) and thanked Cynthia for the accomplishment. Currently Ms. Barr is working with the auditors to maintain those Best Practices and achieve the Certificate of Achievement for Excellence in Financial Reporting again this year.

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Item # 12 Mayor Cooper read the following caption.

Presentation of Financial and Investment Report for the first quarter ending December 31, 2008

Finance Director Cynthia Barr provided a PowerPoint Presentation that summarized the City's financial position. The Financial and Investment Report included General Fund Revenues/Expenditures, Utility Fund Revenues/Expenditures, and an Investment Portfolio Update.

Ms. Barr noted that there is also an expected credit of \$220,000.00 from the San Antonio Water System (SAWS) from overpayment. Assistant City Manager/Public Works Director Shawn P. Eddy discovered the error while conducting an annual periodic review of contracts. The City Council thanked staff for being detailed in their work.

Ms. Barr reported that the city's financial position remains strong.

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Closed Session


At 9:33 p.m., Mayor Cooper adjourned the regular City Council meeting to conduct a closed meeting as authorized by Sections 551.071 and 551.072 of the Texas Government Code to consult with the City Attorney concerning pending or contemplated litigation and to deliberate the purchase, exchange, lease, or value of real property.

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Mayor Cooper reconvened the regular meeting at 11:11 p.m. There was no action taken during the closed session.

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There being no further business, the Mayor called for a motion to adjourn the regular City Council Meeting. Councilman McCormick made a motion to adjourn, seconded by Councilwoman Harwell and the motion was unanimously approved. Mayor Cooper adjourned the meeting at 11:12 p.m.



Louis Cooper
Mayor



Jennifer Reyna, TRMC
City Secretary